



RECD/PCT/PTO 17 MAR 2006

FEE TRANSMITTAL

Total Amt of Payment (1) + (2) + (3) = 0

Application Number: 10/534,210

Filing Date: May 6, 2005

First Named Inventor: Jose A Salas, et al.

Title: Borrelidin-Producing Polyketide Synthase and its Use

Attorney Docket Number: 4408-P03626US00

METHOD OF PAYMENT (check one)

- Authorization is hereby granted to charge payment of the following fees associated with this communication or credit any overpayment to Deposit Account 04-1406.
- Any filing fees under 37 C.F.R. §1.16 for the presentation of extra claims.
- Any patent application processing fees under 37 C.F.R. §1.17

Any extensions of time that are required to maintain this application in a pending status, if not included herewith, are hereby requested. Authorization is hereby granted to charge such extension fees to Deposit Account No. 04-1406. Two copies of this transmittal are enclosed for accounting purposes.

Payment enclosed: \$0.00

FEE CALCULATION

1. BASIC FILING, SEARCH AND EXAM. FEES

	Filing	Search	Exam	Fee
Utility				0
Design				
Plant				
Reissue				
			SUBTOTAL (1)	\$0

2. CLAIMS FEES

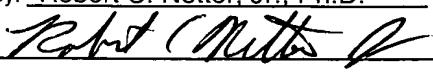
# of Claims - Paid	Extra Claims	Fee/Claim	Fee	SUBTOTAL (3)	\$0
Total Claims - 20 = (a)	0	25	\$0		
Indep Claims - 3 = (b)	0	100	\$0		
Multiple Dependent Claim Fee					
(a) Enter 20 or number previously paid for					
(b) Enter 3 or number previously paid for					
SUBTOTAL (2)				\$0	

3. ADDITIONAL FEES

Fee Description	Fee Paid
Surcharge-late filing fee or oath	
Application Size Fee	
For filing a request for reexamination	
Extension for response within one month	
Extension for response within second month	
Extension for response within third month	
Extension for response within fourth month	
Notice of Appeal	
Filing a brief in support of an appeal	
Request for oral hearing	
Petition to revive unintentionally abandoned application	
Issue Fee	
Advance Orders	
Publication Fee	
Petitions to the Commissioner	
Petitions related to provisional applications	
Submission of Information Disclosure Stmt.	
Recording each patent assignment per property	
Other fee (specify)	

Submitted By: Robert C. Netter, Jr., Ph.D.

Reg. Number 56,422

Signature 

Date March 15, 2006

Deposit Account User ID
04-1406



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re the Application of)
Jose A. Salas, et al.)Attny ref: 4408-P03626US00
Serial No. 10/534,210)
Filed: May 6, 2005)
For: "BORRELIDIN-PRODUCING)
POLYKETIDE SYNTHASE AND ITS)
USE")

Certificate of Mailing Under 37 C.F.R. §1.8(a):

I hereby certify that this correspondence is being deposited on March 15, 2006 with the United States Postal Service as first-class mail in an envelope properly addressed to the Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

Caren Burgoon

Caren Burgoon

RESPONSE TO NOTIFICATION OF MISSING REQUIREMENTS

UNDER 37 U.S.C. §371

In response to the Notification of Missing Requirements under 35 U.S.C. §371 in the United States Designated/Elected Office (DO/EO/US) dated February 8, 2006, Applicants submit herewith a computer-readable copy of the sequence listing.

Applicants believe this submission of a sequence listing in computer readable form complies with the requirements under 37 C.F.R. §§1.821-1.825. Applicants respectfully request entry of the sequence listing into the above identified patent application. The undersigned hereby verifies that the computer readable form of the sequence listing is identical to the paper copy of the sequence listing submitted on May 6, 2005 and does not contain any new matter.

The February 8, 2006 Notice of Missing Requirements also indicates that additional fees in the amount of \$100.00 are due for additional claims. Specifically, it is alleged that there are 6 independent claims, i.e., 3 extra independent

claims. Applicants note, however, that the preliminary amendment submitted May 6, 2005 with the instant application contains 81 claims of which only 5 are independent, namely claims 1, 29, 50, 74, and 75. Applicants submit that the Transmittal letter clearly indicates that the requisite claims fees for 81 total claims and 5 independent claims were paid concurrently with the filing of the application and preliminary amendment. Accordingly, Applicants do not believe any further fees are due.

Further, the February 8, 2006 Notice of Missing Requirements states that a declaration signed by the inventors is required. However, Applicants respectfully submit that 10 pages of declaration were submitted with the instant application on May 6, 2005. Indeed, a review of the Patent Application Information Retrieval (PAIR) system reveals that these declarations were received by the PTO with the instant application on May 6, 2005. Each inventor has signed a Form PCT/RO/101 declaration sheet which indicates the parent PCT application number, the inventor's name, and the inventor's citizenship. As such, Applicants believe the previously submitted declarations comply with the requirements set forth in 37 CFR 1.497(a) and (b).

In the event that a fee is required in connection with this submission and not enclosed, the Commissioner is authorized to charge the account of the undersigned, Account No. 04-1406. A duplicate copy of this sheet is enclosed.

Early and favorable consideration leading to prompt issuance of this application is earnestly solicited.

Respectfully submitted,

DANN, DORFMAN, HERRELL AND SKILLMAN
A Professional Corporation

By


Robert C. Netter, Jr., Ph.D.
PTO Registration No. 56,422



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
 United States Patent and Trademark Office
 Address: COMMISSIONER FOR PATENTS
 P.O. Box 1450
 Alexandria, Virginia 22313-1450
www.uspto.gov

U.S. APPLICATION NUMBER NO.	FIRST NAMED APPLICANT	ATTY. DOCKET NO.
10/534,210	Jose A Salas	4408-P03626US00
		INTERNATIONAL APPLICATION NO.
		PCT/GB03/05704
		I.A. FILING DATE
		PRIORITY DATE
		12/24/2003
CONFIRMATION NO. 9982		
371 FORMALITIES LETTER		
OC000000017947003		

Date Mailed: 02/08/2006

NOTIFICATION OF MISSING REQUIREMENTS UNDER 35 U.S.C. 371 IN THE UNITED STATES DESIGNATED/ELECTED OFFICE (DO/EO/US)

The following items have been submitted by the applicant or the IB to the United States Patent and Trademark Office as a Designated / Elected Office (37 CFR 1.495).

- Indication of Small Entity Status
- Copy of the International Application filed on 05/06/2005
- Copy of the International Search Report filed on 05/06/2005
- Preliminary Amendments filed on 05/06/2005
- Biochemical Sequence Listing filed on 05/06/2005
- U.S. Basic National Fees filed on 05/06/2005
- Priority Documents filed on 05/06/2005

The applicant needs to satisfy supplemental fees problems indicated below.

The following items **MUST** be furnished within the period set forth below in order to complete the requirements for acceptance under 35 U.S.C. 371:

- Additional claim fees of \$100 as a small entity, including any required multiple dependent claim fee, are required. Applicant must submit the additional claim fees or cancel the additional claims for which fees are due.
- Oath or declaration of the inventors, in compliance with 37 CFR 1.497(a) and (b), identifying the application by the International application number and international filing date.

SUMMARY OF FEES DUE:

Total additional fees required for this application is **\$100** for a Small Entity:

- This application does not contain a statement that the content of the sequence listing information recorded in computer readable form is identical to the written (on paper or compact disc) sequence listing and,

where applicable, includes no new matter, as required by 37 CFR 1.821(e), 1.821(f), 1.821(g), 1.825(b), or 1.825(d). Applicant must provide such statement. If the effective filing date is on or after September 8, 2000, see the final rulemaking notice published in the Federal Register at 65 FR 54604 (September 8, 2000) and 1238 OG 145 (September 19, 2000).

- A copy of the "Sequence Listing" in computer readable form has not been submitted as required by 37 CFR 1.821(e). If the effective filing date is on or after September 8, 2000, see the final rulemaking notice published in the Federal Register at 65 FR 54604 (September 8, 2000) and 1238 OG 145 (September 19, 2000). Applicant must provide an initial computer readable form (CRF) copy of the "Sequence Listing" and a statement that the content of the sequence listing information recorded in computer readable form is identical to the written (on paper or compact disc) sequence listing and, where applicable, includes no new matter, as required by 37 CFR 1.821(e), 1.821(f), 1.821(g), 1.825(b), or 1.825(d). If applicant desires the sequence listing in the instant application to be identical with that of another application on file in the U.S. Patent and Trademark Office, such request in accordance with 37 CFR 1.821(e) may be submitted in lieu of a new CRF.
- Total additional claim fee(s) for this application is \$ 100
 - \$100 for 3 independent claims over 3.

Applicant is cautioned that correction of the above items may cause the specification and drawings page count to exceed 100 pages. If the specification and drawings exceed 100 pages, applicant will need to submit the required application size fee.

For questions regarding compliance to 37 CFR 1.821-1.825 requirements, please contact:

- For Rules Interpretation, call (571) 272-0951
- For Patentin Software Program Help, call Patent EBC at 1-866-217-9197 or directly at 703-305-3028 / 703-308-6845 between the hours of 6 a.m. and 12 midnight, Monday through Friday, EST.
- Send e-mail correspondence for Patentin Software Program Help @ ebc@uspto.gov

ALL OF THE ITEMS SET FORTH ABOVE MUST BE SUBMITTED WITHIN TWO (2) MONTHS FROM THE DATE OF THIS NOTICE OR BY 32 MONTHS FROM THE PRIORITY DATE FOR THE APPLICATION, WHICHEVER IS LATER. FAILURE TO PROPERLY RESPOND WILL RESULT IN ABANDONMENT.

The time period set above may be extended by filing a petition and fee for extension of time under the provisions of 37 CFR 1.136(a).

Applicant is reminded that any communications to the United States Patent and Trademark Office must be mailed to the address given in the heading and include the U.S. application no. shown above (37 CFR 1.5)

*A copy of this notice **MUST** be returned with the response.*

INDIA L EVANS

Telephone: (703) 308-9140 EXT 212

PART 1 - ATTORNEY/APPLICANT COPY

U.S. APPLICATION NUMBER NO.	INTERNATIONAL APPLICATION NO.	ATTY. DOCKET NO.
10/534,210	PCT/GB03/05704	4408-P03626US00